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10/609,051	06/27/2003	David Konetski	016295.1384	6910

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EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/609,051	KONETSKI ET AL.
	Examiner	Art Unit	
	SHAWKI S. ISMAIL	2455	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 January 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1.   This communication is responsive to the amendment received on January 8, 2009.

Claims 1-4, 8, and 17-21 have been amended.

Claims 1-25 are pending further examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6-9, 11, 13-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Chaddha et al.,** (referred hereinafter as Chaddha) U.S. Patent No. **6,173,317.**

Chaddha teach a system that relates to multimedia communications. More particularly,

Chaddha teaches a system that relates to the synchronous delivery of annotated multimedia

streams over a diverse computer network.

4.   As to claim 8, Chaddha teaches a method for providing media content to a user associated

with a thin media client, comprising the steps of:

receiving from the user a request for media content, the media content requested by the

user comprising at least two instances of media content, wherein the thin media client is operable

to request digital media content and to receive status information; (col. 2, lines 38-47, client

requests video/audio content and receive the requested content);

retrieving the at least two instances of media content from one or more sources of digital

media content (col. 2, lines 26-36, video/audio and annotation streams are produced and by a

capture module and an author module and then stored in the stream server);

pre-processing the at least two instances of media content to create a combined data

stream of digital media (col. 6, lines 13-21, combining a compressed video audio data into one

stream for delivery);

transmitting the combined data stream to the thin media client, wherein the combined

data stream is operable to be rendered for display at the thin media client (col. 2, lines 62-67,

render ding the stream for display on the client web browser); and

wherein rendering the combined data stream at the thin media client to provide the media

content of the data stream to the user, wherein the thin media client is not responsible for

performing any pre-processing functions related to the data stream (refer to Fig. 9 and col. 7, line

60—col. 8, line 2, most of the processing occurs prior to the stream being received at the web

browser either at the producer or client module)

Although Chaddha teaches the claimed invention as described above it does not explicitly

recite a thin media client. However according to applicant's specification a thin media client

only perform the task of rendering a data stream provided from server and is not associated with

any pre-processing and may be a associated with or incorporated into a display or playback

device. A thin-client is an application or system that accesses a remote service on another

computer system known as a server by way of a network. Web browsers are clients that connect

to web servers and retrieve web pages for display. According to the description provided in the

applicant's disclosure and the definitions of thin-client and web browser, one of ordinary skill in

the art would be reasonable in equating the claimed thin-media client to the Chaddha's web

browser and plug-in module illustrated on Fig. 9 and discussed in col. 7, line 60 - col. 8, line 2.

The functionality of Chaddha's web browser and browser plug-in module perform the same

functionality as the claimed thin media client specifically rendering a data stream provided from

server and is not associated with the pre-processing and may be a associated with or incorporated

into a display or playback device and therefore meet the scope of the claimed thin media client.

5.   As to claim 9, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the at least two instances of media content

comprise at least two instances of digital video (col. 2, lines 38-47).

6.   As to claim 11, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the at least two instances of media content

comprise a digital video data stream having an audio component and an audio-only data stream

(col. 6, lines 13-21).

7.   As to claim 13, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from the Internet (Fig. 10b, col. 2, lines 26-36 and col. 5, lines 10-28).

8.   As to claim 14, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a media storage device (col. 5, lines 40-53).

9.   As to claim 15, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a home appliance (col. 5, lines 40-53).

10.   As to claim 16, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a video camera (col. 5, lines 40-53).

11.   As to claim 17, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 10, wherein the source of at least one instance of the

two instances of digital video is a video camera (col. 5, lines 40-53).

12.   regarding claims 2 and 18, Chaddha teaches the claimed subject matter as discussed in

details above. With regards to the claimed hub subject matter used in the instant invention to

route the user's request and to deliver the responses to the user.   One of ordinary skill in the art

will recognize that in an internet communication environment such as that of Chaddha, it is

important to have a device such as a hub, router or switch that routes communication between

the client and server. Therefore, Chaddha's internet communication environment meets the

scope of the claimed limitation as currently presented.

13.   Claims 1-4, 6-7, 18-21 and 23-25 do not contain or define any new subject matter than that addressed above, therefore they are rejected under the same rationale.

14.   *Claims 5, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over* **Chaddha et al.,** *(referred hereinafter as Chaddha) U.S. Patent No.* **6,173,317** *in view of* **Smyth et al.,** *(Hereinafter referred to as Smyth) U.S. Patent No.* **7,007,098.**

        Chaddha teaches the claimed invention as described invention, however Chaddha does not explicitly teach wherein the step of pre-processing comprises the step of combining the at least two instances of digital video into a combined data stream in picture-in-picture format.

        Smyth teaches a method of controlling video signals in a multi-participant video conference which involves assessing the level of video signal required from each participant to mix the desired broadcast video signals, and using the result of this assessment to dynamically control the video output from the endpoints of the conference participants to handle multiple video streams, the MP may also choose a mixing strategy, where the mixing takes the form of combining the video streams from all participants into a "picture-in-picture" image, containing reduced images of all conference participants, and then transmitting this combined image to each endpoint, so that all participants may be viewed from each desktop (see abstract and col. 2, lines 8-17).

        It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Smyth into the invention of Chaddha in order to reduce the amount of images that are displayed at a client device.

15.   *Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over* **Chaddha et al.,** *(referred hereinafter as Chaddha) U.S. Patent No.* **6,173,317** *in view of* **"Official Notice".**

16.   As to claim 12, Chaddha teaches combining a digital video data stream with an audio-only stream; however Chaddha does not explicitly indicate attenuating the audio component from the digital video stream.

        "Official Notice "is taken that the techniques of attenuating are well known in the art and expected in the multimedia communication environment. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the techniques of attenuating the audio component from the digital video stream in order to allow an audio portion of the stream to be easily heard over other parts of the audio stream.

Response to Arguments

17.   Applicant's arguments received on July 8, 2008 have been fully considered, however they are not persuasive. The applicant argues in substance that: examiners characterization of the claimed thin media client does not perform the claimed rendering. Applicant goes on to show that the rendering is performed by the renderers 965 which located on the client module 960 and not on the web browser and plug-in module.

        The examiner would like to point out that the claims merely recite "rendering the combined data stream at the thin media client" and other instances "wherein the thin media client is operable to render the combined digital data stream" and nowhere does it specify what rendering entails. Furthermore, the claims continue to recite that the thin media client is not responsible for performing the pre-processing function related to the data stream. Therefore, the examiner is interpreting the claimed "render" or "rendering" to mean "to give or make available; provide" which is consistent with what a browser would be capable of doing; providing and displaying content to a user.   Therefore, Chaddha's web browser and plug-in module equated to

the claimed thin media client meets the scope of the claimed limitations and render the claims

obvious

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawki S. Ismail whose telephone number is 571-272-3985. The

examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2455
March 1, 2009